

1995

Before the
Federal Communications Commission
Washington, D.C. 20554

In re)	MM Docket No. 95-154
)	
CONTEMPORARY MEDIA, INC.)	
)	
Station WBOW(AM), Terre Haute, IN)	
Station WBFX(AM), Terre Haute, IN)	
Station WZZQ(FM), Terre Haute, IN)	
)	
CONTEMPORARY BROADCASTING, INC.)	
)	
Station KFMZ(FM), Columbia, MO)	
Station KAAM(FM), Huntsville, MO)	
)	
LAKE BROADCASTING, INC.)	
)	
Station KBMX(FM), Eldon, MO)	
Station KFXE(FM), Cuba, MO)	
(New) FM Station, Bourbon, MO)	File No. BPH-921112MH
)	

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TO: Chief Administrative Law Judge
Joseph Stirmer

CONSOLIDATED REPLY TO OPPOSITIONS TO PETITION TO INTERVENE

KWIX, Inc. ("KWIX"), by its attorney, hereby respectfully replies to the Oppositions to Petition to Intervene, filed in this proceeding by the Mass Media Bureau ("Bureau") and by Contemporary Media, Inc., Contemporary Broadcasting, Inc., and Lake Broadcasting, Inc. ("Contemporary/Lake"), on November 1, 1995 and November 3, 1995, respectively. In reply thereto, it is alleged:

1. None of the cases cited by the Bureau and

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Contemporary/Lake in opposition to the intervention are even remotely applicable here. Christian FM Application Partnership, cited by Contemporary/Lake, involved an attempted intervenor who did not offer to prove any specific facts, but merely stated that "it [was] uniquely situated to assist the Commission in the determination of the specified issues." By contrast, KWIX has spelled out specifically what it will prove, i.e., that Michael Rice has continued to direct the day-to-day operations of his radio stations after his incarceration, in violation of a pledge made to the FCC that he would not do so. The same is true of Gemini Broadcasting Co., 89 FCC 2d 389; the petitioner there failed to show what, if any information, it would contribute to the proceeding.

2. Ellis Thompson Corporation, 10 FCC Rcd 7325, cited by the Bureau, is even further from the mark. It involved an untimely attempt to intervene (the putative intervenor had sought intervention as a matter of right, to which it was not entitled, and did not request discretionary intervention until it was much too late).

3. More to the point is Atlantic Radio Communications, Inc., 7 FCC Rcd 5105 (1992). There, the full Commission ruled that a party who had previously petitioned to deny an application which had been the subject of a hearing should be given party status. Here, KWIX did, in fact, participate in the proceedings that resulted in this hearing. KWIX has made the prima facie showing required for intervention under 47 C.F.R. 1.223(b) and should,

therefore, be permitted to intervene.

November 10, 1995

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Respectfully submitted,

KWIX, INC.

By: 

Lauren A. Colby
Its Attorney

CERTIFICATE OF SERVICE

I, Traci Maust, a secretary in the law office of Lauren A. Colby, do hereby certify that copies of the foregoing have been sent via first class, U.S. mail, postage prepaid, this ____ day of November, 1995, to the offices of the following:

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